THE SASKATCHEWAN CRIMES COMPENSATION BOARD ANNUAL REPORT

For the Period April 1, 1990

to March 31, 1991

92-00863/

THE BOARD

MORRIS CHERNESKEY, Q.C.

Chairman

LEONA HAZELWANTER

Vice-Chairperson

JULIE RITCHIE

Member

SUPPORT STAFF

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Lillian Ives

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Saskatchewan

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Crimes
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August 7, 1991

The Honourable Gary Lane, Q.C.
Attorney General for Saskatchewan
Room 355
Legislative Building
Regina, Saskatchewan
S4S OB3

Dear Sir:

I have the honour to submit the Annual Report of the Saskatchewan Crimes Compensation Board, for the period April 1, 1990 to March 31, 1991.

Respectfully submitted,

Morris Cherneskey, Q.C.
Chairman

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STATEMENT OF PRINCIPLES FOR VICTIMS OF CRIME

Victims should be treated with courtesy, compassion and with respect for their dignity and privacy and should suffer the minimum of necessary inconvenience from their involvement with the criminal justice system.

Victims should receive, through formal and informal procedures, prompt and fair redress for the harm which they have suffered.

Information should be made available to the victims about their participation in criminal proceedings and the scheduling, process and ultimate disposition of the proceedings.

The views and concerns of victims should be ascertained and the appropriate assistance provided throughout the criminal process.

Where the personal interests of the victim are affected, the views or concerns of the victims should be brought to the attention of the court, where appropriate and consistent with criminal law and procedure.

Measures should be taken when necessary to ensure the safety of victims and their families and to protect them from intimidation and retaliation.

Enhanced training should be made available to sensitize criminal justice personnel to the needs and concerns of victims and guidelines developed, where appropriate for this purpose.

Victims should be informed of the availability of health and social services and other relevant assistance so that they might continue to receive the necessary medical, psychological and social assistance through existing programs and services.

Victims should report the crime and cooperate with law enforcement authorities.

PROGRAM DESCRIPTION

LEGISLATION

The legislation under which the Board functions is The Criminal Injuries Compensation Act, Chapter 47 which came into force on September 1, 1967. The Criminal Injuries Compensation Regulations came into effect on January 1, 1990. The purpose of the program is to alleviate the financial hardships suffered by victims of violent crimes in Saskatchewan. Surviving dependents of victims of crime and persons responsible for the maintenance of the victim may also be eligible to apply for compensation benefits.

AMOUNT OF COMPENSATION

The maximum amount of compensation that may be awarded by the Board in respect to any one case before it is $10,000.00. Any Award that exceeds this amount must first receive approval by the Lieutenant Governor in Council. The minimum payment of an Award is not to be less than $50.00. Presently, there is no upper limit for compensation benefits in Saskatchewan.

TIME LIMITATION

Section 12 of the Act assigns a one year time limitation period from the date of the incident to file an application for compensation. However, the Board may extend the time in which to apply for compensation if adequate justification is provided.

DEDUCTIBLE AMOUNTS

Benefits received or to be received by the victim from other sources, such as an insurance plan, Workers' Compensation, UIC, Social Assistance, etc., will not be duplicated in an Award. Also if the amount received or recovered from the offender exceeds that which the Board would recommend, then nothing would be payable to the victim in compensation.

COMPENSABLE CATEGORIES

Compensation may be awarded by the Board in respect to the following:

- Expenses actually and reasonably incurred as a result of the victim's injury or death and any other expenses that, in the opinion of the Board, it is reasonable to incur;
- Pain and suffering of the victim;
- Pecuniary loss to the victim resulting from the total or partial incapacity of the victim to work;
- Pecuniary loss to dependents as the result of the victim's death;
- Other pecuniary loss resulting from the victim's injury;
- Contribution towards the legal fees or disbursements actually and reasonably incurred by the victim or dependents, as the case may be.

No compensation is made for property damage other than personal items such as eye glasses, dentures, hearing aids and other prostheses.

EMERGENCY FUNDING

If an applicant/victim has applied to the Board for compensation and the Board has not concluded the hearing, the Board may make an interim payment to cover the cost of maintenance and medical expenses.

RECOVERY OF AWARDS

In 1990 - 1991 the Board recovered a total of $14,233.72 from the offenders pursuant to Section 32(1) of the Act which states:

Where compensation has been awarded pursuant to this Act to a person injured or to a dependent of a person killed, the Board, on assuming liability for payment of that compensation, is deemed to be an assignee and is subrogated to all rights of recovery of the person to or with respect to whom or for whose benefit the payment of compensation is assumed to the extent of the compensation payable.

HEARINGS

The three Board members, who participate on a part-time basis, schedule hearings in Saskatoon, Regina and Prince Albert. Some applications are relatively minor and simple to adjudicate and are dealt with on documentary evidence along with the consent of the applicant. This minimizes the need to inconvenience the applicant and/or solicitor.

FUNDING

Awards made under *The Criminal Injuries Compensation Act* are cost-shared between the Federal Government and the Government of Saskatchewan. In 1988 Bill C-89 was passed, increasing the amount of funding that the Federal Government cost-shared with the Province. This Bill increased the Federal contribution from 10 cents per capita to 25 cents per capita or 50% of the total amount of Awards,

whichever is the lesser. During the 1989-90 Fiscal year the Province received a total of $352,450.00.

COMPENSATION OF AWARDS

Compensation may be awarded in the form of a lump sum payment and/or periodic payments. The majority of the Awards are made in the form of a lump sum payment, with these Awards averaging approximately $2,316.00.

During this fiscal year the following Awards were made:

Lump Sum Awards	340
Periodic Awards	4
Total Awards	344

REDUCED OR DENIED APPLICATIONS

The Board may recommend that compensation be reduced or denied due to the victim's culpability or by noncooperation with the law enforcement authorities pursuant to Sections 11 and 12 of the Act. (See page 35).

PUBLIC AWARENESS

Efforts continue in an attempt to increase public awareness of the Crimes Compensation Board. Brochures are forwarded each year to hospitals, peace officers, victim assistance agencies, sexual assault and crisis centres along with several other agencies that are directly involved with victims of crime.

TOTAL AMOUNT PAID	
Total of Awards Granted	$805, 627.19
Awards Carried Over From Previous Years	25,984.20
Subtotal	$831,611.39
Less Recoveries	- 14,233.72
Less Awards Carried Over to 1991-1992	- 13,507.00
TOTAL	$803,870.67

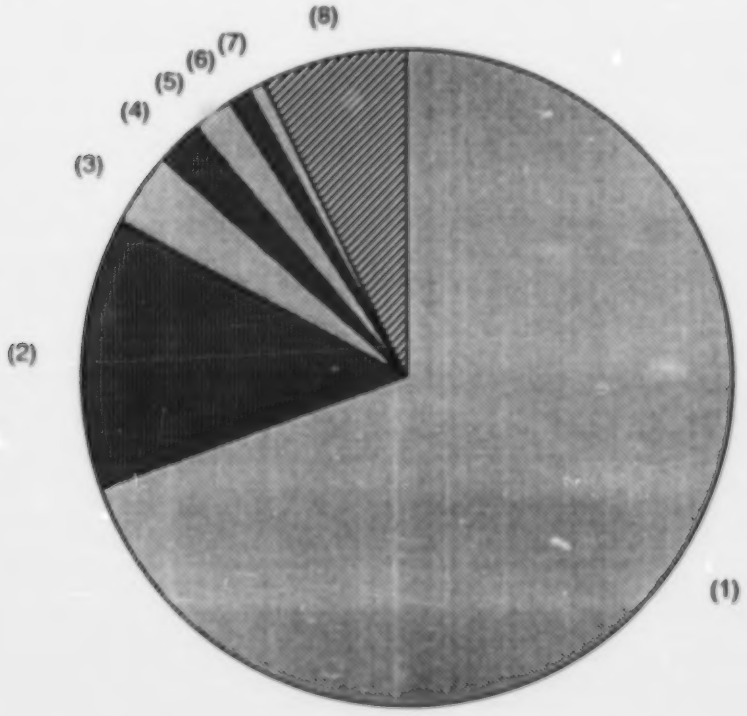
APPLICATIONS RECEIVED			
	1990-91	1989-90	1988-89
Personal Injury	336	269	243
Death Benefit	7	11	12
TOTAL RECEIVED	343	280	255

OFFENDERS CHARGED			
	1990-91	1989-90	1988-89
Number of offenders charged according to orders where compensation was granted	282 81.98%	171 78.44%	187 83.85%

STATISTICAL SUMMARIES			
	1990-91	1989-90	1988-89
Applications received*	343	280	255
Applications denied*	33	32	44
Decisions completed* (includes second hearings and re-applications)	344	218	226
TOTAL DECISIONS	377	250	270
Lump Sum Payments	340	210	221
Periodic Awards (does not include ongoing payments on claims adjudicated in previous years)	4	8	5
Interim Awards	21	16	11
Supplementary Awards	86	44	45
Average Award (does not include periodic payments)	$2,315.73	$2,490.60	$2,352.57

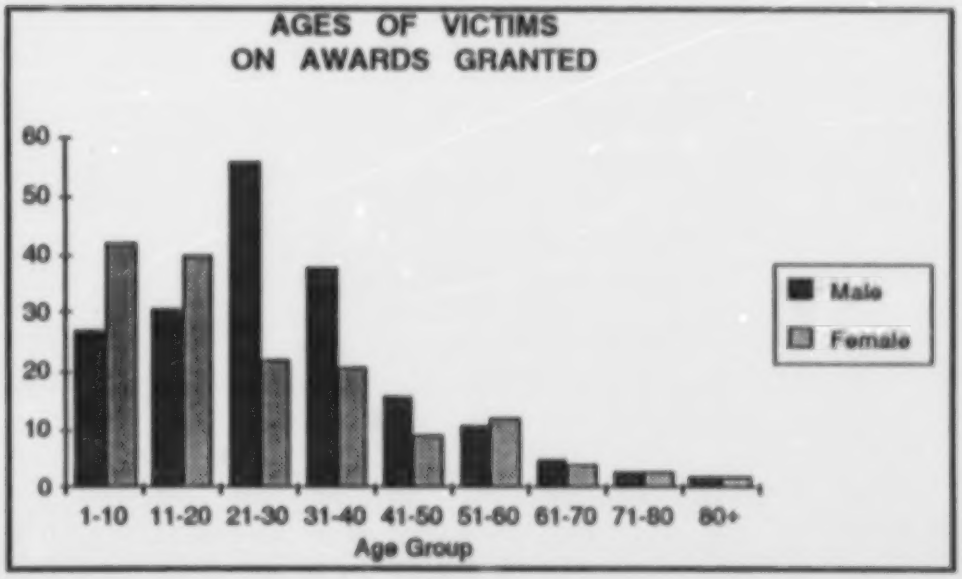
* The number of cases denied and the number of Awards granted do not add up to the number of applications received. Applications received in any given year are not necessarily processed during that same year. Similarly, cases dismissed or awarded may be related to applications received in earlier years. In addition, there may be more than one Award per application.

CONSOLIDATED SUMMARY OF AWARDS	
Pain and Suffering (1)	$561,722.50
Net Income Loss (2)	$108,056.98
Medical Expenses (3)	$ 30,024.00
Counsel Fees (4)	$ 18,040.07
Pecuniary Loss (5)	$ 16,207.10
Witness Fees and Reports (6)	$ 8,119.60
Funeral Costs (7)	$ 6,427.01
Other (8)	$ 57,029.93
TOTAL	$805,627.19

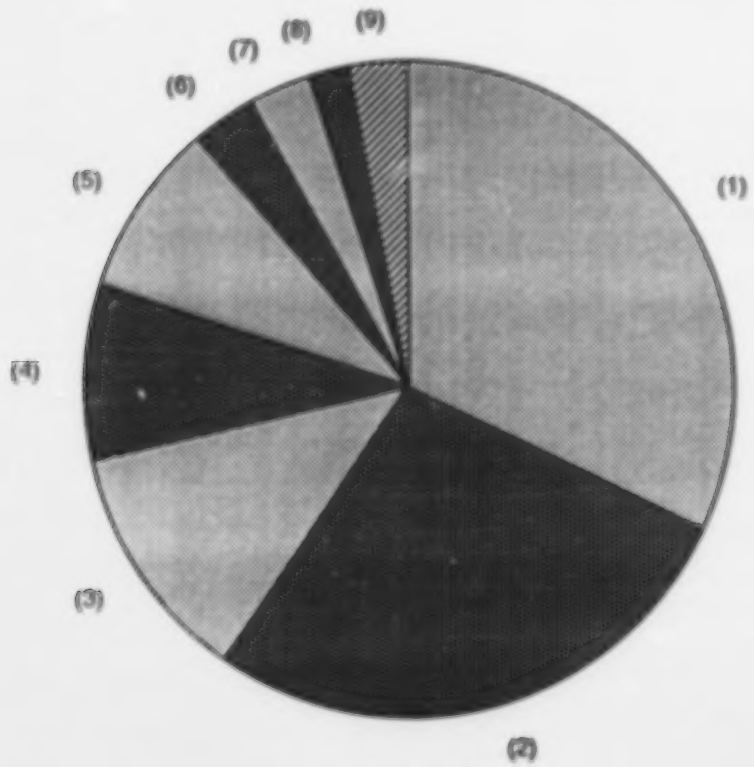


AGES OF VICTIMS ON AWARDS GRANTED			
AGES	MALES	FEMALES	TOTAL
1 - 10	27	42	69
11 - 20	31	40	71
21 - 30	56	22	78
31 - 40	38	21	59
41 - 50	16	9	25
51 - 60	11	12	23
61 - 70	5	4	9
71 - 80	3	3	6
80 +	2	2	4
TOTALS	189	155	344

Oldest Victim 85 years Youngest Victim 7 months



TYPES OF CRIME AS LISTED ON AWARDS	
Assault Causing Bodily Harm/With a Weapon (1)	32.0%
Sexual Assault/ Sexual Offences (2)	27.8%
Common Assault (3)	11.6%
Aggravated Assault (4)	9.0%
Robbery (5)	8.7%
Murder/Manslaughter (6)	3.1%
Attempted Murder (7)	2.9%
Assault Peace Officer (8)	2.0%
Other (9)	2.9%



APPLICATIONS RECEIVED BY AREA

Aberdeen	1	Milestone	1	TOTAL	
Alberta	5	Moose Jaw	8	APPLICATIONS	343
Allan	1	Mozart	1		
Asquith	2	North Battleford	8		
Balcarres	2	Nova Scotia	1		
British Columbia	14	Ontario	2		
Buffalo Narrows	1	Osler	1		
Choiceland	1	Porcupine Plain	1		
Churchbridge	1	Prince Albert	14		
Cochin	1	Punnichy	1		
Craven	1	Regina	77		
Cupar	1	Regina Beach	3		
Dalmeny	7	Richardson	1		
Dorintosh	1	Rocanville	1		
Estonia	1	Sandy Bay	1		
Estevan	1	Saskatoon	118		
Fond du Lac	1	Shell Lake	1		
Fort Qu'Appelle	1	Shellbrook	2		
Govan	1	Southend	1		
Grandora	3	Southey	1		
Grenfell	2	St. Louis	1		
Harris	1	St. Isidore de Belle	1		
Humboldt	1	Star City	1		
Kamsack	3	Swift Current	2		
Kelvington	2	Turnor Lake	1		
Kindersley	1	United States	2		
Lampman	1	Wakaw	1		
Leask	1	Warman	1		
Lloydminster	4	Waterhen Lake	1		
Macklin	1	Weirdale	1		
Maidstone	1	Weyburn	1		
Manitoba	1	White City	1		
Manor	1	Whitewood	4		
Martensville	8	Wilkie	1		
Mazenod	1	Yorkton	1		
Meota	1				
Meadow Lake	1				
Melfort	1				

EMERGENCY FUNDING AWARDS

AWARD NO. 2587/90

At the time of the incident the applicant was 80 years old and resided in Saskatoon, Saskatchewan.

On September 15, 1990 at approximately 8:20 p.m., the applicant was returning to his home when he confronted a male intruder who was stealing items from his residence. The applicant was severely beaten by this male. When the applicant lost consciousness due to the vicious attack, the offender left the residence.

The applicant was taken to the hospital by ambulance. It was determined that he suffered from several injuries including broken teeth and multiple lacerations. The teeth were extracted and the applicant will require a full upper denture in the future.

This incident was promptly reported to the proper law enforcement authorities, but because the offender could not be identified, no charges have been laid.

This Award is for emergency funding. The Board will once more review this matter and schedule it for a hearing when further medical reports and other documents become available. The Board finds that the applicant is an apparent victim of a crime within the meaning of the Act, namely assault with a weapon, contrary to Section 267(1) (a) of the Criminal Code of Canada, and therefore makes the following Interim Award:

TO: THE APPLICANT

For miscellaneous expenses incurred $160.00

TO: THE DENTIST

For dental treatment to date $247.00

TO: THE AMBULANCE COMPANY

For services rendered $100.00

TOTAL AWARD $507.00

LUMP SUM AWARDS

AWARD NO. 2668/90

At the time of the incident the applicant was 23 years old and resided in Fond du Lac, Saskatchewan.

On March 5, 1990 at approximately 2:00 a.m., the applicant was walking with her cousin when he became enraged for no apparent reason and attacked her. This male banged the applicant's head against a building until she lost consciousness and then he attempted to sexually assault her. A passerby came to the applicant's rescue and the offender fled on foot. When the passerby approached the applicant, he noticed that she had lost a lot of blood and her hair was frozen to the ice on the ground.

The applicant was taken to the Fond du Lac nursing station, the Uranium City Hospital and then she was transferred to the Saskatoon Royal University Hospital, where it was determined that she suffered from the following injuries:

-extensive lacerations to the scalp with loss of tissue
-tenderness to the nose
-superficial lacerations and bruises to the right chest, hip and knee
-loss of consciousness
-laceration to the right forehead
-bilateral periorbital bruising
-a nondisplaced fracture of the right zygomatic arch
-laceration over the left zygoma

The applicant underwent surgery where the 10 x 12 cm. stellate scalp wound was cleansed, debrided and the wound edges were approximated. The forehead laceration was sutured and she was given two units of blood. On March 9, she underwent skin grafting to the scalp and was discharged from the hospital on March 19, 1990. On May 1, silver nitrate was used to cauterize some of the ares of the scalp that were slow to heal. It is anticipated that she will require further cosmetic surgery in the future.

The offender was convicted of sexual assault causing bodily harm, contrary to Section 272(c) of the Criminal Code of Canada

and was sentenced to three years in jail.

This application is for pain and suffering, emotional trauma and miscellaneous expenses incurred. Should the applicant require further surgery as a direct result of this incident, then the Board would be prepared to consider compensation for the cost of the same upon application.

The Board finds that the applicant is a victim of a crime within the meaning of the Act, contrary to Section 272 CCC, and therefore makes the following Award:

TO: THE APPLICANT

For pain and suffering and emotional trauma
$4,500.00
Contribution towards damaged clothing
$ 100.00

Subtotal $4,600.00

TO: ACCOUNT

For medical reports
$ 48.50

TOTAL AWARD
$4,648.50

AWARD NO. 2736/90

At the time of the incident the applicant was 26 years old and resided in Regina, Saskatchewan.

On May 5, 1990, at approximately 2:15 a.m., the applicant got into a "freelance" taxi with her friends. When two males jumped into the taxi, the applicant's friends managed to get out of the vehicle. These males instructed the driver to go to a residence where a house party was to be in progress. After driving to this residence and stopping at another location to locate the bogus party, one male, who was in the back seat, pulled out a shoe lace and proceeded to choke the driver. While this male was being choked to unconsciousness, the applicant was forced to watch this brutal attack. The other male then pulled the applicant by her hair into the back seat of the car where he sexually assaulted her. This male assaulted her physically to get her cooperation and verbally threatened her during the incident. The other male drove the car around Regina, while the applicant was again sexually assaulted. When they heard the driver groan, they realized that he was still alive. One of the offenders then threw him onto the sidewalk and clubbed him to death with a fence post. They continued to drive around Regina and the applicant was continuously threatened and repeatedly sexually assaulted. After several hours they allowed the applicant to leave the vehicle, but warned her that they would kill her if she said anything. The applicant went home where she stayed until she heard on the news that the offenders had been apprehended. She then contacted the police.

The applicant was taken to the hospital, where it was determined that she suffered from the following injuries:

-superficial abrasion lateral to the introitus

A sexual assault examination was carried out and the applicant was

discharged from the hospital. She suffered from a post-traumatic stress disorder. The applicant was placed in the witness protection program and was relocated out of the province. Shortly thereafter her estranged husband and their children joined her. The applicant suffered from nightmares, flashbacks and had many fears that the offenders or their friends would find her and kill her. The incident also had a negative impact on her relationship with her husband, her sexuality and her ability to care for her children. She became progressively depressed with poor appetite and disturbed sleep. On one occasion during a flashback of the incident, the applicant attempted to stab her husband and two police officers. The applicant and her family were once again relocated and the applicant underwent a psychiatric assessment at a treatment centre and was placed on medication. She was again relocated back to Saskatchewan and gave testimony at the trial. When the trial was concluded in October, 1990, the applicant was released from protective custody and returned to live with her family. The applicant continues to suffer from emotional trauma and anxiety and has a fear of retaliation from the offenders or their families.

One of the offenders pleaded guilty to second degree murder, contrary to Section 23 of the Criminal Code of Canada and was sentenced to life imprisonment with no chance of parole for 15 years. He was also given a five year concurrent sentence for sexual assault, contrary to Section 271 CCC. The other offender was convicted of manslaughter (Section 236 CCC) and sexual assault (Section 271 CCC) and was sentenced to a total of seven years in jail.

This application is for pain and suffering, emotional trauma and miscellaneous expenses incurred. Should the applicant require counselling as a direct result of this incident, then the Board would be prepared to consider compensation for the cost of the same upon application. No recommendation is made with respect to the applicant's claim for compensation for the loss of her furniture because the Act precludes the Board from awarding compensation for the same.

The Board finds that the applicant is a victim of a crime within the meaning of the Act, namely sexual assault, contrary to Section 271 CCC, and therefore makes the following Award:

TO: THE APPLICANT

For pain and suffering and emotional trauma	$9,000.00
Contribution towards damaged clothing	$ 250.00
Contribution towards travel costs	$ 40.00
For medication	$ 27.00
Contribution towards hired help	$ 200.00
TOTAL AWARD	$9,517.00

- Award No. 2503/90
The applicant, a 27 year old male was leaving a bar with a case of beer when a stranger punched him in the face. The applicant lost consciousness and was further assaulted. He suffered headaches, contusions to his left eye area and lacerations to his right arm. He also lost his sense of smell and taste. (Pain and suffering $1,700.00) Total Award $1,826.00

- Award No. 2493/90
The applicant, a 25 year old male, was leaving a bar when he saw a female being pushed up against a wall by a group of men. When the applicant tried to assist this female, he was stabbed in the abdomen with a knife, causing evisceration of approximately three feet of small bowel. The applicant required emergency surgery and was hospitalized for eight days. He was advised not to do heavy lifting for six weeks. The applicant received UIC benefits while recovering from the injury. (Pain and suffering $2,000.00) Total Award $3,575.57

- Award No. 2607/90
The victim, a 4 year old boy, was visiting friends in an apartment when the building was deliberately set on fire. The child was forced to jump from the balcony into the arms of a peace officer. During his escape the child suffered contusions to his left temporal area. (Pain and suffering and emotional trauma, paid to Public Trustee $600.00) Total Award $600.00

- Award No. 2666/90
The applicant, a 29 year old male, was attacked by two males in his home. One male struck the applicant several times with an axe handle. He suffered a separation of the left shoulder, laceration to the right eyebrow with bruising and a contusion to the right ear lobe. The laceration required sutures and his arm was placed in a sling for approximately three weeks. He is left with a lump on his shoulder and may require surgery in the future. The applicant also complained of emotional trauma. (Pain and suffering and emotional trauma $2,000.00) Total Award $2,100.00

- Award No. 2686/90
The applicant, a 25 year old female hotel-desk clerk, was on duty when three male robbers forced her at gunpoint into the back room and demanded that she open the safe. She was beaten, bound and then dragged by her hair into another room where a gun was held at her head and she was further threatened. When the offenders left the hotel, she was able to escape and contact the police. Her physical injuries were treated conservatively, but she suffered from severe emotional trauma and was advised by her physician to terminate her employment. She received benefits from the Workers' Compensation Board. (Pain and suffering and emotional trauma $2,750.00) Total Award $4,259.50

- Award No. 2752/90
The applicant, a 38 year old female, was assaulted by her common-law husband. This male pointed a loaded gun at the applicant, but it failed to discharge. He then struck

her on the head with the gun and hit her on the left ankle causing it to fracture. The applicant lost consciousness for several hours. When she tried to crawl out of the house, he struck her head against a wall several times. She went without medical attention until the following day, when a friend came by and gave her assistance. The fractured ankle was reduced and placed in a cast for six weeks. The applicant no longer resides with the offender. (Pain and suffering $2,000.00)
Total Award $2,224.00

- Award No. 2737/90
The applicant, a 26 year old male, was walking home when three male youths ran up behind him and proceeded to assault him. When he fell to the ground, the offenders proceeded to kick him. He suffered lacerations to his right eyebrow and cheek, bruising to the right eye area, nose bleed and numbness to the right cheek, gums and teeth areas. The lacerations required sutures. (Pain and suffering $950.00)

Total Award $1,069.00

SUPPLEMENTAL AWARDS

AWARD NO. 2710/90

At the time of the incident the applicant was 80 years old and resided in Saskatoon, Saskatchewan.

This Award is supplementary to Award number 2587/90 in which the sum of $507.00 was paid on an emergency basis for dental treatment and miscellaneous expenses incurred.

On September 15, 1990, at approximately 8:20 p.m., the applicant was returning to his home when he confronted a male intruder who was stealing items from his residence. The applicant was severely beaten by this male. When the applicant lost consciousness due to the vicious attack, the offender left the residence.

The applicant was taken to the hospital by ambulance, where it was determined that he suffered from the following injuries:

-multiple lacerations to the scalp, totalling 40 cm.
-bilateral periorbital bruising
-swollen upper lip
-multiple bite lacerations to both hands and fingers
-extensive bruising to both hands
-fractured right 8th and 9th ribs
-four fractured teeth

The lacerations were cleansed and required over 200 sutures to repair. The applicant was kept in the hospital until September 25, 1990, for observation. He was released on this date but returned to the hospital later that day for pain management and dressing changes. The sutures were removed in stages and the applicant continued to have daily dressing changes as an outpatient. His fractured teeth were removed and replaced with a complete upper denture. The applicant also suffered from headaches, severe emotional trauma and anxiety and had a fear of retaliation.

A young offender was convicted of aggravated assault, contrary to Section 268 of the Criminal Code of Canada and was sentenced to three years

closed custody.

This application is for pain and suffering, emotional trauma, the cost of dental treatment and miscellaneous expenses incurred. Should the applicant require counselling as a direct result of this incident, then the Board would be prepared to consider compensation for the cost of the same upon application.

The Board finds that the applicant is a victim of a crime within the meaning of the Act, contrary to Section 268 CCC, and therefore makes the following supplemental Award:

TO: THE APPLICANT

For pain and suffering and emotional trauma $3,500.00
For miscellaneous expenses $ 90.00
Contribution towards travel costs $ 75.00
For medication $ 90.00

Subtotal $3,755.00

TO: THE DENTIST

For upper denture $ 465.00

TO: ACCOUNT

For medical reports $ 48.50

TOTAL AWARD $4,268.50

▫ Award No. 2418/90 The applicant, a 38 year old male, was assaulted in a licensed beverage room in 1970. He suffered several injuries including an injury to his left retina and optic nerve. He later developed a cataract and underwent surgery. This award was supplemental to several previous awards where the applicant received a total of $4,856.44 for pain and suffering and miscellaneous expenses. This award was for further pain and suffering and travel expenses to attend medical appointments. (Pain and suffering $3,500.00) Total Award $3,713.86

▫ Award No. 2395/90 The applicant, a 22 year female, was sexually assaulted in her home. In a previous order the Board awarded pain and suffering in the amount of $4,000.00 along with miscellaneous expenses in the amount of $270.00. As a result of this incident the applicant was unable to complete her secretarial course due to her high level of anxiety and emotional trauma, which was well documented. Consequently, she was required to repay her student loan. The Board determined that this loss was directly related to the incident and made a contribution towards the tuition costs and related expenses. Total Award $2,212.35

PERIODIC AWARDS

AWARD NO. 2484/90

At the time of the hearing the applicant was 43 years old and resided in Hudson Bay, Saskatchewan.

This Award is supplemental to Awards numbered 2191/89, 1960/99, 1735/87, 1491/86, 1361/85, 1223/84, 1050/83, 883/82, 815/82, 773/81, 747/81 and 712/80, in which the sum of $102,698.95 was paid for pecuniary loss and miscellaneous expenses incurred as the result of the death of her husband who was shot to death on December 18, 1979, near Hudson Bay, Saskatchewan.

The offender was convicted of manslaughter, contrary to Section 219 of the Criminal Code of Canada.

On June 9, 1990, the applicant re-applied to the Board for further compensation. It is apparent that she still suffers a pecuniary loss as the result of the death of her husband.

The Board hereby recommends that the applicant be paid the sum of $7,912.80 to be paid in monthly installments of $659.40 for a period of one year commencing September 1990, plus a lump sum adjustment payment of $434.30 which takes into account the percentage adjustment increase during the previous year. The applicant may re-apply at the end of this period in light of her then circumstances.

The recommended compensation for this period commencing September, 1990, takes into account the possible increase of 3% in the Consumer Price Indexing for Canada Pension Survivors' Benefits and on the deceased's projected net income for 1991 and makes adjustments for the previous amount accordingly.

The Board finds that the applicant's deceased husband was a victim of a crime within the meaning of the Act, namely manslaughter, contrary to Section 236 of the

Criminal Code of Canada (new) and therefore makes the following supplemental Award:

TO: THE APPLICANT

For pecuniary loss, the sum of $7,912.80 to be paid for a period of one year in monthly installments of $659.40 commencing September, 1990, or until the death of the applicant
$7,912.80

TO: THE APPLICANT

Pecuniary loss adjustment
$ 434.30

TOTAL AWARD
$8,347.10

▫ Award No. 2707/90
In 1982 a man and his wife were shot to death and left three surviving children. The children were then placed in care of the deceased male's brother and sister. A total of $65,141.54 had been previously awarded over the years for funeral and related costs and maintenance costs for the three children. This order issued payments to the guardians on a monthly basis to assist in maintenance costs. To the brother who has custody of the deceased's two sons, the sum of $5,040.00 to be paid in monthly installments of $420.00 for a period of 12 months. To the deceased's sister who has custody of the deceased's daughter, the sum of $1,260.00 to be paid on two payments of $630.00 in April and September 1991. Total Award $6,300.00

▫ Award No. 2644/90
In 1982 a female was stabbed to death by her husband and left one surviving child. The child was then placed in care with the deceased's parents. A total of $16,461.78 had been previously awarded over the years for funeral expenses and maintenance of the child. This order issued monthly maintenance payments to the guardians in the amount of $130.00 for twelve months. Total Award $1,560.00

DEATH BENEFIT AWARDS

AWARD NO. 2744/90

At the time of the incident the applicant was 32 years old and resided in Star City, Saskatchewan.

This application is made on behalf of the applicant's mother (born August 30, 1939), who died as a result of a beating by a male acquaintance in her residence in Regina on May 12, 1990.

The offender was convicted of murder, contrary to Section 235 of the Criminal Code of Canada and was sentenced to 15 years in jail.

This application is for funeral and related expenses. The applicant received benefits from the Department of Social Services and the Canada Pension Plan. The Board indicates that it will recommend payment of the sum of $500.00 towards the cost of a monument when the same has been acquired and a voucher for its purchase has been forwarded to the Board.

The Board finds that the deceased is a victim of a crime within the meaning of the Act, contrary to Section 235 CCC and therefore makes the following Award:

TO: THE APPLICANT

Contribution towards funeral costs	$ 452.00
For telephone costs	$ 24.51
Contribution towards travel costs	$ 660.00
For miscellaneous expenses	$ 16.57
For income loss	$ 75.00
Contribution towards travel costs to attend the hearing	$ 57.88
Subtotal	$1,285.96
Less Benefits Received	-$ 719.64
	$ 566.32

TO: THE FUNERAL HOME

For plot	$ 650.56

TOTAL AWARD $1,216.88

DENIED AWARDS

AWARD NO. 2410/90

At the time of the incident the applicant was 35 years old and resided in Regina, Saskatchewan.

On September 20, 1989, at approximately 11:30 p.m., the applicant was stabbed by his girlfriend in their residence. Apparently the applicant and his girlfriend had been drinking in their residence since approximately 4:30 that afternoon. The applicant wanted to go to a liquor establishment to buy some more beer, but his girlfriend wanted to stay home. When his girlfriend came downstairs, she saw the applicant holding her purse. Upon checking her purse, she found $40.00 missing and she accused the applicant of taking it. An argument started and the applicant allegedly threw a chair at his girlfriend, knocking her down. He also hit her a couple of times with a closed fist. As his girlfriend got up, she grabbed a knife and stabbed the applicant as he was running out of the door.

The applicant was taken to the hospital, where it was determined that he suffered from the following injuries:

-stab wound to the left posterior chest penetrating the lung with a moderate hemothorax

The applicant underwent exploratory surgery and the hemothorax was evacuated. A chest tube was inserted and the wound was sutured. The tube was removed before the applicant was discharged from the hospital on September 26, 1989. The applicant recovered from the injury without any complications, but is left with a residual scar.

The offender was convicted of aggravated assault, contrary to Section 268 of the Criminal Code of Canada and was sentenced to 90 days intermittent.

This application is for pain and suffering and miscellaneous expenses incurred.

After careful consideration, the Board recommends

denial of this application for compensation, pursuant to Section 11(a) of the Act, which states:

The Board, in making an order under Section 10, shall consider and take into account all such circumstances as it considers relevant to the making of the order and, without limiting the generality of the foregoing, the Board shall consider and take into account any behaviour that directly or indirectly contributed to the injury or death of the victim.

This application is therefore denied.

AWARD NO. 2402/90

At the time of the incident the applicant was 33 years old and resided in Regina, Saskatchewan.

On November 9, 1989 at approximately midnight, the applicant, who was intoxicated, went to a nearby convenience store. Just outside the store, the applicant alleges that he was approached by a male who asked for a cigarette. The applicant told him that he didn't have any. When leaving the store after making his purchase, the applicant states that he was hit on the head and fell to the ground. He was then kicked in the head by several males.

The assailants fled and the applicant walked to the hospital where it was determined that he suffered from the following injuries:

-fractured right zygoma with multiple fractures of the mandible
-left lower first molar avulsion and right upper lateral incisor fracture
-2 cm. laceration to the left forehead
-abrasions to the left maxilla area
-swelling to the bridge of nose

The applicant's laceration was cleansed and sutured and he released himself from the hospital. On November 11, 1989 he underwent elevation of the fractured right zygoma and open reduction with plate fixation and interdental wiring of the fractured mandible. His recovery was uneventful and he was discharged from the hospital on November 17, 1989. The applicant recovered from the injuries without any complications, but complains of numbness to the right side of the chin and his right lower lip.

The applicant did not report this incident to the police authorities until December 20, 1989. As a result, no charges have been laid as the offenders could not be identified.

This application is for pain and suffering and miscellaneous expenses incurred.

The Board recommends denial of this application pursuant to the provisions of the Act, namely, Section 12(3) which states:

Where the Board is satisfied that an applicant has refused reasonable cooperation with a law enforcement agency, the Board may refuse to make an order for compensation under section 10.

This application is therefore denied.

AWARD NO. 2490/90

At the time of the incident the applicant was 30 years old and resided in Saskatoon, Saskatchewan.

The applicant states that on February 16, 1989, at approximately 11:30 p.m., he was assaulted by a person unknown to him while waiting for a bus.

The police authorities indicated that they observed the applicant on February 16, 1989, and noticed he appeared to have been drinking or on drugs and had been in a fight. However, he did not wish to proceed with charges. The peace officers thought his injuries needed attention so they transported him to the hospital where it was determined that he suffered from the following injuries:

-small laceration to the lower lip and swollen upper lip
-1 cm. laceration to the right occiput
-bleeding from the right ear
-cerebral concussion and a right basal skull fracture with minimal depression
-small subdural hematoma in the left temporal region.

The injuries were treated conservatively, and his headaches and nausea persisted for four days. He was discharged from the hospital on February 25, 1989. The applicant continued to complain of dizziness and headaches over the next few weeks. He also complained of a hearing loss in his right ear, but failed to have a hearing test done. The applicant developed severe somatic symptoms of anxiety which frequently mounted to panicky proportions. He also suffered from insomnia and a loss of appetite and received some psychotherapy. The applicant also indicated that he lost four months of classes at the Saskatchewan Federated Indian College because of the recovery time and his inability to concentrate on his studies.

The only record the police have on file with respect to this incident is an occurrence report indicating that the applicant was transported to the hospital because he had been involved in a fight, but refused to press charges. The applicant did not contact their office again until he made an application to the Board, which application was dated November 30, 1989. On June 21, 1990, the Board heard testimony from one of the peace officers who transported the applicant to the hospital. There was no new evidence to support that the applicant had been injured as the result of a crime as contemplated by the Act.

This application is for pain and suffering, loss of school funding and miscellaneous expenses incurred.

The Board finds that it was not established that the applicant was a victim of a crime within the meaning of the Act and recommends denial of this application.

▫ Award No. 2497/90
At the time of the incident the applicant was 20 years old and resided in Saskatoon, Saskatchewan.

On January 1, 1990, the

applicant went to a male acquaintance's residence to retrieve some money he had given the acquaintance earlier that day. An argument erupted and this male assaulted the applicant with a hammer and a board. The applicant was able to escape and run to his car. The offender followed the applicant and smashed his car windshield.

The applicant drove to the police station and then to the hospital, where he was treated for his injuries.

This application is for pain and suffering and miscellaneous expenses incurred. The applicant revealed at the hearing that he initially attended at the residence to purchase narcotics. When the accused increased the price of the drugs, an argument erupted and the applicant was assaulted.

The Board recommends denial of this application for compensation because the applicant was involved in an illegal transaction at the time of the injury and therefore assumed the risk of being injured.

AWARDS APPEALED

AWARD NO. 2511/90

At the time of the incident the applicant was 45 years old and resided in Prince Albert, Saskatchewan.

On June 2, 1988 a hearing was held with respect to this application. The applicant was present and her testimony, materials presented and the information contained in her application were given consideration at this time. The Board rendered a subsequent decision which recommended denial of compensation to the applicant as per reasons set out in its order in Award number 1901/88.

The applicant retained counsel, who in turn requested a re-hearing of this application in order to present testimony by experts on the subject of the Battered Wife Syndrome. The Board acceded to this request and held a re-hearing on November 2, 1988. This hearing was attended by the applicant, her solicitor and two expert witnesses. Testimony and written materials on the Battered Wife Syndrome; Why Battered Women Stay, and Traumatic Bonding were presented to the Board at this time by two experts.

After careful consideration of the application and the testimony and materials provided at the November 2, 1988, hearing, the Board rendered its decision in a letter to the applicant's solicitor. This letter, dated December 8, 1988, stated as follows:

The Board wishes to advise that it has reviewed and considered the submissions made on November 2, 1988, on behalf of the applicant.

The circumstances relating to the injuries, as well as other relevant information was taken into account. The Board advises that it will not recommend compensation in this case for the reasons set out in its order of June 2, 1988.

This matter then proceeded to the Court of Queen's Bench, Judicial Centre of Saskatoon. On September 11, 1989, Mr. Justice J. Sirois handed down a

judgment quashing the Order (Award No. 1901/88 - Hearing date of June 2, 1988) of the Crimes Compensation Board (Saskatchewan) and the letter of December 8, 1988, in which instances the Board had recommended denial of compensation to the applicant. The Justice stated the following in his Judgment:

The entire procedure to which the applicant was subject to on the second day of June 1988, I submit is more than sufficient to raise a reasonable apprehension of bias on part of the Board.

He, therefore, issued a further order which directed the Board to hear and determine the applicant's application according to law.

On March 15, 1990, a hearing was held on the matter of this application before two members of the Board, with the applicant and her solicitor in attendance. At the outset of the hearing the solicitor asked the Board members whether they were biased. They both declared that no bias existed. The solicitor then requested that all previous information, documentation, materials and testimony given at both the June 2 and November 2, 1988, hearings be considered with regard to this hearing of the applicant's application for compensation.

The applicant related the following events to the Board at the June 2, 1988, hearing. She stated that she was assaulted by her husband in their home on April 1, 1987. On this date the applicant and her husband had an argument during which he threatened to withdraw support and leave her. The applicant told him that she would pack his clothes and went downstairs to the bedroom and proceeded to throw his clothing into a suitcase. He became angry at her actions and came running down the stairs in a rage and hit the applicant in her back with his knee, causing her to fall to the floor. Her husband then verbally abused her for a period of time. She laid on the floor in pain until he left the room and then she crawled onto the bed.

The applicant saw her physician the following day who determined that she suffered from the following injuries:

-tenderness and bruising over the lower buttocks and coccyx
-a chip fracture of the first bone of the coccyx on the left side

The applicant was prescribed analgesics and anti-inflammatory medication to help alleviate the pain.

The applicant contacted the police authorities on May 26, 1987 and gave a statement. On May 29th, she again returned to the doctor and complained of continuing pain in her back. X-rays again confirmed the presence of a chip fracture. The doctor advised her to press charges against her husband. The applicant continued to live with the offender until she moved out of the family home on June 5, 1987. It should be noted that the applicant indicated that she was

abused both physically and emotionally by her husband over a period of many years. This abuse in part consisted of a broken nose which occurred in the early stages of their relationship and on another occasion he attempted to strangle her. This information was brought to the Board's attention at the March 15, 1990, hearing and from subsequent medical information. She subsequently preferred charges against her husband for the April 1, 1987, incident. He was later convicted of assault, contrary to Section 245 of the Criminal Code of Canada and received a one year suspended sentence.

The applicant and several of her children moved to Saskatoon in August, 1987. She continued to suffer from lower back pain and undertook physiotherapy treatments. She stated that these treatments and the medication prescribed did little to alleviate the pain she was experiencing.

At the March 15, 1990, hearing, new information was provided which indicated that the applicant had sought counselling for the Battered Wife Syndrome with the Catholic Family Services of Prince Albert. Subsequent information was obtained to confirm that this counselling began in September, 1986, and continued to February 16, 1988, at which time it resumed in Saskatoon. Also, according to personnel at the Mental Health Centre in Prince Albert, the applicant was first referred to their office by her priest on July 15, 1985. However, despite a follow-up telephone call, counselling was not sought until October, 1986 and this supportive counselling then continued until November 10, 1987. The applicant informed the Board at the March 15, 1990, hearing that she is no longer undergoing counselling.

This application is for pain and suffering, emotional trauma, net income loss and miscellaneous expenses incurred. The applicant's request for net income loss was not sufficiently established and therefore no recommendation is made in that regard. The Board also notes that the court ordered her husband to pay maintenance to the applicant in the amount of $1,500.00 per month.

After careful consideration of the application, all materials provided and testimony presented at all of the hearings pertaining to this application, the Board finds that the applicant is a victim of a crime within the meaning of the Act, namely assault, contrary to Section 266 of the Criminal Code of Canada (new). Pursuant to clause 11(a) of the Act, the Board has concluded that a reduced amount for pain and suffering and emotional trauma is warranted and therefore makes a reduced Award in the amount of $2,000.00. Clause 11(a) of the Act reads as follows:

The Board, in making an order under Section 10, shall consider and take into account all such circumstances as it considers relevant to the making of the order and, without limiting the generality of the foregoing, the Board shall consider and take into account any

behaviour that directly or indirectly contributed to the injury or death of the victim.

The Board after reviewing clause 11(a) of the Act indicates that it can be applied to reduce or deny an award when the evidence shows that the actions or behaviour of the applicant made her the author of her own misfortune. The Board determines that if a reasonably prudent person could have foreseen the consequences of her actions, then it could be said that she contributed to her injuries. In this case the applicant continued to cohabitate with the offender when she was fully aware of his tendency towards violent behaviour. As mentioned previously, he had broken her nose on one occasion and attempted to strangle her on another occasion. It appears that the offender's violent actions that lead to the injuries complained of was consistent with his past behaviour. The Board also determines that the applicant should have been aware that her actions on the date in question would aggravate him and lead to his violent behaviour.

In view of the above, the Board therefore makes the following reduced Award:

TO: THE APPLICANT

For pain and suffering and emotional trauma	$2,000.00
For medication	$ 7.47
Contribution towards moving expenses	$ 320.00
Contribution towards travel and related expenses	$ 960.00
Subtotal	$3,287.47

TO: THE SOLICITOR

Contribution towards counsel fees and disbursements	$ 500.00

TOTAL AWARD $3,787.47

▫ ▫ This matter was again appealed by the applicant to the Court of Queen's Bench. On May 24, 1991, Judge J. Maurice found in favour of the Crimes Compensation Board.

**The Boards across Canada are not affiliated. Victims must apply to the Board in the province or territory in which they were injured. Listed below are the addresses for each province and territory.

ALBERTA	
The Crimes Compensation Board 10365 - 97th Street Edmonton, Alberta T5J 3W7	403-427-7217
BRITISH COLUMBIA	
Workers' Compensation Board Criminal Injury Section 6951 Westminster Highway Richmond, British Columbia V7C 1C6	604-276-3129 Fax 604-279-7402
MANITOBA	
The Criminal Injuries Compensation Board Suite 101, 763 Portage Avenue Winnipeg, Manitoba R3G 3N2	204-774-3565
NEW BRUNSWICK	
Department of the Solicitor General Correctional Services Division Victim Services Program Box 6000 Frederickton, New Brunswick E3B 5H1	506-453-2888
NEWFOUNDLAND	
The Newfoundland Crimes Compensation Board Box 6084 St. John's, Newfoundland A1C 5X8	709-576-6183

NORTHWEST TERRITORIES	
Government of the Northwest Territories Department of Justice c/o Public Trustee Office Box 1320 Yellowknife, Northwest Territories X1A 2L9	902-873-7464 Fax 403-873-0234
NOVA SCOTIA	
Criminal Injuries Compensation Board Suite 402, 1600 Hollis Street Box 985 Halifax, Nova Scotia B3J 2V9	902-424-4651
ONTARIO	
Criminal Injuries Compensation Board 439 University Avenue, 17th Floor Toronto, Ontario M5G 1Y8	416-965-4755
PRINCE EDWARD ISLAND	
Department of Justice and Attorney General Box 2000 Charlottetown, Prince Edward Island C1A 7N8	902-368-5063 Fax 902-368-5283
QUEBEC	
Commission de la sante et de la securite du travail Direction l'indemnisation des victimes d'actes criminels 1199, rue de Bleury Succursale A Montreal, Quebec H3C 4E1	514-873-6019

SASKATCHEWAN	
Crimes Compensation Board 122 - 3rd Avenue North Saskatoon, Saskatchewan S7K 2H6	306-933-5153 Fax 306-933-6999
YUKON	
Territorial Compensation for Victims of Crime Authority Yukon Workers' Compensation Board Suite 300, 4114 4th Avenue Whitehorse, Yukon Y1A 4N7	403-667-5319 Fax 403-668-2079

CHAPTER C-47.

An Act to provide for the Payment of Compensation in respect of Persons Injured or Killed by Certain Criminal Acts or Omissions.

Short title

1. This Act may be cited as *The Criminal Injuries Compensation Act.*

INTERPRETATION.

Interpretation "board" "child" "dependent" "injury" "victim"

2. In this Act:

(a) "board" means The Crimes Compensation Board continued under section 3:

(b) "child" includes a stepchild, an illegitimate child, a child *en ventre sa mere* and a child with respect to whom a victim stands in *loco parentis*:

(c) "dependent" means a child or other relative of a deceased victim who was, in whole or in part, dependent upon the income of the victim at the time of his death;

(d) "injury" means actual bodily harm and includes pregnancy and mental or nervous shock;

(e) "victim" means a person to whom or in respect of whom compensation is or may be payable under this Act. 1967, c.84, s. 2.; 1990-91,c.C-8.1,s.64.

COMPENSATION BOARD.

Board continued

3. (1) The Crimes Compensation Board is continued.

(2) The board shall be composed of three members appointed by the Lieutenant Governor in Council, one of whom shall be named as chairman and another who shall be named as vice-chairman, 1967, c.84, s.3.

Chairman to preside at meetings, etc.

4. (1) The chairman shall be the chief executive officer of the board and shall preside at all meetings, inquiries and hearings of the board.

(2) During the illness or absence of the chairman for any other reason, or if the office of chairman is vacant, the vice-chairman shall act in his place. 1967, c.84, s.4.

Quorum

5. (1) Two members of the board constitute a quorum for the transaction of business.

(2) Notwithstanding subsection (1), in the event of a vacancy on the board the remaining members may exercise the powers and carry out the duties of the board; and any one member of the board may, with respect to an application for the payment of compensation under this Act, hold an inquiry or conduct a hearing for the board. 1967, c.84, s.5.

Non-liability of the board, etc.

6. Neither the board or any member thereof nor any person acting under its instructions or under the instructions of a member thereof or under the authority of this Act or the regulations shall be personally liable for any loss or damage suffered by any person by reason of anything in good faith done, or omitted to be done, pursuant to or in the exercise of or supposed exercise of the powers conferred by this Act or the regulations. 1972, c.25, s.2.

Members, etc. not compellable witnesses

7. No member of the board and no person who is engaged by the board or by a member thereof or is an employee of the board or a member thereof shall be compelled to give testimony in a court of civil jurisdiction with regard to information obtained by him in the discharge of his official duty, or to produce in civil proceedings any magnetic or other tapes of evidence, shorthand or other notes of evidence, files, papers, information, reports, correspondence or other documents relating to the business of the board. 1972, c.25, s.2.

Powers

8. The board and each member thereof, for the purposes of this Act, have all the powers that are or may be conferred upon commissioners appointed under *The Public Inquiries Act*. 1967, c.84, s.6.

Payment for services of members

9. The member of the board may be paid such remuneration for their services for travelling and other expenses as the Lieutenant Governor in Council may determine. 1967. c.84, s.7.

PAYMENT OF COMPENSATION.

Compensation in the event of certain injuries and deaths

10. (1) Where a person is injured or killed and the injury or death:

(a) is the result of an act or omission of another person that occurred in Saskatchewan on or after the first day of September, 1966, and is within the description of any of the criminal offences set out in the regulations to this Act:
(b) resulted to the person while he was on or after the first day of September, 1966, arresting or attempting to arrest a person who committed, or was committing or who was suspected of committing or having committed, a criminal offence, or
(c) resulted to the person while he was on or after the first day of September, 1966, rendering assistance to any law enforcement officer in Saskatchewan who was carrying out his duties with respect to the enforcement of law;

the board may, in its absolute discretion, where it is determined that an application is entitled to compensation for injury or death pursuant to this Act, make an order in accordance with this Act for the payment of compensation:

(d) to or for the benefit of the injured person;
(e) to a person, in respect of pecuniary loss suffered or expenses incurred by the person, as the result of an injury to or the death of a victim that occurred on or after the first day of April, 1972 where the maintenance of the victim is or was the responsibility of the person;
(f) to any one or more of the dependents of a victim.

(2) Notwithstanding that a person for any reason is legally incapable of forming a criminal intent, he shall, for the purposes of this Act, be deemed to have intended an act or omission that caused injury or death for which compensation is payable under this Act. 1967, c.84, s.8; 1968, c.16, s.2; 1972, c.25, s.3.; 1989-90,c.33,s.3.

Considerations with respect to payment of compensation

11. The board, in making an order under section 10, shall consider and take into account all such circumstances as it considers relevant to the making of the order and, without limiting the generality of the foregoing, the board shall consider and take into account:

(a) any behaviour that directly or indirectly contributed to the injury or death of the victim;
(b) the financial need of the person who was injured or of the dependents of the victim. 1967, c.84, s.9.

Conditions precedent to board's order

12. (1) The board shall not make an order for compensation under section 10;

(a) where the application for compensation is made after the expiration of one year from the date of the injury or death, as the case may be;
(b) where the injury or death, as the case may be, and the act or omission or the event resulting in the injury or death are not reported within a reasonable time after the happening thereof to the proper law enforcement authority;
(c) where the injury or death of the person in respect of which compensation is claimed is the result of an act, omission or event that occurred prior to the first day of September, 1966.

(2) Notwithstanding clause (a) of subsection (1), the board may, where it considers it to be advisable, extend the time for making an application for compensation under section 10. 1967, c.84, s.10; 1968, c.16, s.3; 1973, c.23, s.1.

(3) Where the Board is satisfied that an applicant has:

(a) refused reasonable cooperation with; or
(b) failed to report promptly the offence with respect to which the applicant is applying for compensation to:

a law enforcement agency, the board may refuse to make an order for compensation under section 10. 1967,c.84,s.10; 1968,c.16,s.3; 1973,c.23,s.1; 1989-90,c.33,s.4.

Compensation for certain matters

13. Compensation may be awarded by the board under this Act in respect of any one or more of the following matters:

(a) expenses actually and reasonably incurred as a result of the victim's injury or death and any other expenses that, in the opinion of the board, it is reasonable to incur;
(b) pecuniary loss to the victim resulting from the total or partial incapacity of the victim to work;
(c) pecuniary loss to dependents as a result of the victim's death;
(d) other pecuniary loss resulting from the victim's injury;
(e) pain and suffering of the victim.
(f) the legal fees or disbursements actually and reasonably incurred by the victim or dependent, as the case may be.
1967,c.84,s.11; 1980,c.12,s.2; 1989-90,c.33,s.5.

13.1(1) Where:

(a) an applicant has applied to the board for compensation and the board has not concluded its hearing on the application and made an order for compensation under section 10; and
(b) in the opinion of the board:
(i) the applicant is in actual financial need; and
(ii) it is likely that the board will make an order for compensation under section 10 in favour of the applicant;

the board may order interim payments to be made to or for the benefit of the applicant to cover the applicant's maintenance and medical expenses, in an amount that the board considers reasonable.

(2) Where the Board:

(a) makes an order for interim payments pursuant to this section; and
(b) does not make an order for compensation under section 10;

the board is not entitled to recover the amount of any interim payments made to the applicant. 1989-90,c.33,s.6.

Board to fix a time and place for hearings and to give notice

14. (1) The board shall, upon receipt of an application for payment of compensation under section 10 or upon receipt of an application under subsection (2) of section 12, fix a time and place for the hearing of the application and shall cause written notice thereof to be served upon the applicant.

(2) Any other person may appear before the board or any member and be heard in a proceeding under this Act upon satisfying the board or the member that he has a substantial interest in the proceeding 1970, c. 12, s. 3.

Hearings to be in public

15. Subject to section 16, the hearing by the board of an application for the payment of compensation under this act shall, except where the board considers that the hearing or part thereof should be held *in camera*, to be open to the public. 1967, c. 84, s. 13.

Certain hearings to be in private

16. All hearings by the board of an application for the payment of compensation under this Act shall be held *in camera* where:

(a) the person whose act or omission caused the injury or death has not been charged with a criminal offence or, if charged, was not convicted of any criminal offence;
(b) it would not be in the interests of the victim, or of the dependents of the victim, of an alleged sexual offence to hold the hearings in public:
(c) it would not be in the interests of public morality to hold the hearings in public. 1967, c. 84. s. 14.

Application on behalf of persons under disability

17. Where a person, entitled to make an application for the payment of compensation under this Act:

(a) is an infant, the application shall be made on his behalf by his parent or guardian or by such person as the board may direct;
(b) is a person of unsound mind, the application shall be made on his behalf by his committee, or if the person has no committee, by such person as the board may direct. 1967, c. 84, s. 15.
(c) is a dependent adult, the application shall be made on his behalf by his property guardian or his personal guardian. 1967,c.84,s.15; 1989-90, c.18,s.6.

Service upon personal representative and person under disability

18. Where any notice or other document under this Act is required to be served:

(a) on a person of unsound mind for whom no committee or guardian has been appointed, the notice or document may be served upon the Administrator of Estates and from the time of the service the Administrator of Estates shall attend actively to the interests of that person before the board;

(b) on an infant who is residing at the home of his parents or guardian, the notice or document may be served upon either of the parents or upon the guardian, as the case may require, and from the time of the service the parent or guardian shall attend actively to the interests of the infant before the board;

(c) on an infant who does not reside with his parents or guardian in Saskatchewan and who has no parent or guardian residing in Saskatchewan, the notice or document may be served upon the Official Guardian and from the time of service the Official Guardian shall attend actively to the interests of the infant before the board;

(d) on a person who is deceased and has no personal representative, the notice or document may be served upon the official administrator for the judicial centre nearest to which the deceased person had his fixed place of abode at the time of his death or if the deceased person had no fixed place abode in Saskatchewan at the time of his death, the notice or document may be served upon the official administrator for the judicial centre of Regina, and from the time of service the official administrator shall be deemed the representative of the deceased person for all purposes of the proceeding and shall attend actively to the interests of the deceased person before the board. 1970, c. 12, s.4.; 1983,c.80,s.6; 1989-90,c.18,s.6.

Persons may appear by legal counsel

19. Any person appearing before the board in respect of an application for the payment of compensation under this Act may appear and be represented by counsel, 1967, c. 84, s. 16.

Procedure of board

20. Except as otherwise provided in this Act or the regulations the board may determine its own procedure. 1967, c. 84, s. 17.

Evidence

21. (1) The board may receive in evidence any statement, document, information or matter, that in its opinion, may assist it to deal effectually with the matter before it whether or not the statement, document, information or matter would be admissible as evidence in any court of law.

(2) If a person is convicted of a criminal offence in respect of an act or omission on which a claim under this Act is based, proof of the conviction:

(a) shall, if no appeal was taken and the time for an appeal has expired;
(b) shall, if an appeal was taken, it was dismissed and no further appeal is available; or
(c) if an appeal was taken and dismissed and a further appeal that was available, with or without leave, was not taken and no application was made for leave to take a further appeal or to extend the time within which to take a further appeal, shall after sixty days of the dismissal of the appeal;

to be taken as conclusive evidence that the offence has been committed. 1967, c.84, s.18; 1970, c.12, s.5; 1971, c.50, s.10

AMOUNT OF COMPENSATION

Amount of compensation that may be awarded by the board, maximum may be prescribed by Lieutenant Governor in Council

22. (1) Subject to subsections (2) and (3), where the board makes an order for the payment of compensation it may award such amount as it thinks fit and compensation so awarded may be a lump sum or periodical payments during such period as the board thinks fit, or both.

(2) The Lieutenant Governor in Council may, by order, fix the maximum amount of compensation that may be awarded in respect of any of the matters set out in section 13.

(3) The board shall not make an order for the payment of compensation where the amount of compensation to be awarded is less than fifty dollars. 1967, c.84, s.19.

Certain amounts received to be considered by board before awarding compensation

23. (1) Subject to subsections (2) and (3), in determining the amount of compensation, if any, to be awarded to an applicant, the board shall deduct:

(a) any amount received or to be received by the victim in respect of his injury, or by his dependents in respect of the death of the victim, under or pursuant to any other Act of Canada or of Saskatchewan or of any other province or territory of Canada;
(b) any amount recovered from the person whose act or omission resulted in the injury or death, whether as damages or compensation, pursuant to an action at law or otherwise.

(2) An amount received or to be received under or pursuant to a superannuation plan or program provided under an Act of Canada or of Saskatchewan or of any other province or territory of Canada shall not be taken into consideration by the board in determining the amount of compensation to be awarded under this Act.

(3) The Lieutenant Governor in Council may, by order, designate certain payments or amounts, or certain classes of payments or amounts, received or to be received by a victim or his dependents that shall not be considered by the board in determining compensation under this Act. 1967, c.84, s.20.

Orders for compensation to be sent to Attorney General

24. Where the board makes an order for the payment of compensation under this Act a copy of the order shall be sent by the board to the Attorney General. 1967, c.84, s.21.

Orders for compensation may be made subject to terms, etc

25. An order for the payment of compensation under this Act may be made subject to such terms and conditions as the board thinks fit with respect to the payment, disposition, allotment or apportionment of the compensation to or for the benefit of the victim or the dependents or any of them, or to any other person, or as to the holding of the compensation or any part thereof in trust for the victim or the dependents or any of them whether as a fund for a class or otherwise. 1967, c.84, s.22; 1970, c.12, s.6.

Payment of expenses to persons entitled thereto

26. Compensation payable under this Act in respect of any expenses may be ordered by the board to be paid to any person entitled to take proceedings for the recovery of those expenses. 1970, c.12, s.7.

Power of board to vary orders

27. (1) The board may at any time, on the application of the Attorney General or the victim or any dependent or the offender, vary an order for payment of compensation made under this Act in such manner as the board thinks fit, whether as to the terms of the order or by increasing or decreasing the amount ordered to be paid or otherwise.

(2) In dealing with an application under subsection (1), the board shall consider:

(a) any new evidence that has become available;
(b) any change of circumstances that has occurred since the making of the order or variation thereof, as the case may be, or that is likely to occur;
(c) any other matter the board considers relevant. 1967, c.84, s. 23.

Power of board to rehear applications

28. The board may of its own motion rehear any application made under this Act and may review, rescind or vary an order or decision made by it under this Act with respect to the application. 1972, c.25, s. 4.

RECOVERY OF COMPENSATION.

From offender

29. (1) Where a person is convicted of a criminal offence in respect of an act or omission that occurred on or after the first day of September, 1967, and an order for the payment of compensation is or has been made under this Act in respect of the injury or death resulting from the act or omission constituting the offence, the board may, on the application of the Attorney General, require the person to appear before the board and show cause why an order should not be made directing the person to pay to the board all or any part of the amount of compensation paid or payable

(2) The board may, after giving the convicted person an opportunity to be heard and after considering the financial situation of the person, his family responsibilities and such other factors as the board considers relevant, make an order directing the person to pay to the board all or part of the amount of compensation paid or payable in respect of the injury or death resulting from the act or omission constituting the offence for which he was convicted.

(3) An order made under subsection (2) may be made subject to such terms and conditions as the board may prescribe and may be varied by the board on application made by the Attorney General or the convicted person.

(4) In dealing with an application to vary an order under subsection (3) the board shall consider:

(a) any new evidence that has become available;
(b) any change of circumstances that has occurred since the making of the order or any variation thereof, as the case may be, or that is likely to occur;
(c) any other matter the board considers relevant. 1967, c.84, s.24; 1968, c.16, s.5; 1970, c.12, s.8.

Order filed and enforced as court order

30. An order made under subsection (2) of section 29 may be filed in the Court of Queen's Bench or the district court, as the case may require, and thereupon the order may be enforced as judgment of the court. 1967, c.84, s.25.

Right to compensation and bring action

31. Where a person injured or a dependent of a person killed has a right of action against:

(a) the offender; or
(b) any other person;

with respect to the injury or death, the person injured or the dependent of the person killed may bring that action, notwithstanding that compensation has been awarded to that person pursuant to this Act. 1989-90,c.33.s.7.

Board's right to bring action

32. (1) Where compensation has been awarded pursuant to this Act to a person injured or to a dependent of a person killed, the board, on assuming liability for payment of that compensation, is deemed to be an assignee and is subrogated to all rights of recovery of the person to or with respect to whom or for whose benefit the payment of compensation is assumed to the extent of the compensation payable.

(2) Notwithstanding *The Fatal Accidents Act*, the board, in exercising its rights pursuant to subsection (1):

(a) may:

(i) bring an action in its own name to recover the amount of compensation payable; or

(ii) join with the person to whom or with respect to whom or for whose benefit the compensation is payable to bring an action in the name of that person for recovery of the damages resulting from the injury or death; and

(b) subject to subsection (4), is entitled to repayment of any amount of compensation awarded pursuant to this Act from any judgment, settlement, restitution, insurance or any other source paid or payable to the person injured or dependent of the person killed.

(3) Where the person injured or dependent of the person killed receives a payment of the kind described in clause (2)(b), the person or dependent shall refund to the board:

(a) if the amount of the payment is equal to or more than the amount of compensation awarded pursuant to this Act, the amount of the compensation;

(b) if the amount of the payment is less than the amount of the compensation awarded pursuant to this Act, the amount of the payment.

(4) Where the board requests the Minister of Justice to waive the board's right of recovery in subsection(1) and he or she considers it fair and reasonable to do so in the circumstances, he or she may waive the board's right of recovery.

(5) The Minister of Justice may recover as a debt due to Her Majesty in the right of Saskatchewan any amounts that are required pursuant to this section to be repaid or refunded.1989-90,c.33,s.7.

Notice of action

32.1 (1) Where a person injured or a dependent of a person killed:

(a) has been awarded compensation pursuant to this Act; and
(b) intends to maintain an action or otherwise take steps to recover damages which resulted from injury or death, including making a claim for insurance or restitution;

that person or dependent shall give notice in writing of that intention to the board.

(2) Where the board intends to maintain an action pursuant to its right given by section 32, it shall give notice in writing to the person injured or any dependent of the person killed, as the case may require.

(3) Failure to give notice pursuant to this section does not affect the validity of a cause of action. 1989-90,c.33,s.7.

APPEAL.

Orders, etc., of board other than report award of compensation, not subject to judicial review

33. (1) Subject to subsection (2), there shall be no appeal from an order or decision of the board under this Act and its proceedings, orders and decisions shall not be reviewable by any court of law or by *certiorari*, *mandamus*, prohibition, injunction or other proceeding.

(2) A person who is ordered under subsection (2) of section 29 to pay an amount in respect of compensation may appeal to a judge of the district court who may make such order with respect to the matter and as to costs as he thinks fit. 1967, c.84, s.28; 1979-80,c.92,s.17.

OFFENCES.

False statement, etc.

34. A person who, in any hearing, inquiry or other proceeding under this Act, makes a false statement to the board or a member thereof or misleads or attempts to mislead the board is guilty of an offence and liable on summary conviction to a fine of not less than $25 or more than $500. 1967, c.84, s.29.

Recovery of compensation where order made on the basis of false statements, etc.

35. Where a person is convicted of an offence under section 34 and the board has made an award of compensation on the basis of the evidence of the convicted person, the Attorney General may recover from the person to whom the compensation was paid all or a portion of such compensation. 1967, c. 84, s. 30.

REGULATIONS.

Regulations

36. For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make such regulations as are ancillary thereto and are not inconsistent therewith; and every regulation made under, and in accordance with the authority granted by, this section has the force of law; and, without restricting the generality of the foregoing, the Lieutenant Governor in Council may make such regulations, not inconsistent with any other provision of this Act:

(a) prescribing the procedure to be followed in respect of applications to the board and in respect of any proceedings under this Act, including the procedure for the service of notices and documents;

(b) prescribing fees to be paid in respect of applications or proceedings under this Act;

(c) prescribing the form and contents of applications to the board. 1967, c. 84, s. 31; 1970, c. 12, s. 9.

(d) prescribing the offences for which an award of compensation may be made;

(e) prescribing guide-lines with which the board shall comply in determining eligibility for and calculating the amount of an award for compensation or interim compensation pursuant to this Act and requiring the board to comply with those guide-lines. 1967, c. 84, s. 31; 1970, c. 12, s. 9; 1989-90, c. 33, s. 8.

37. Section 37 is repealed. 1989-90, c. 33, s. 9.

Refunds and repayments to be deposited in consolidated fund

38. Any compensation or amount refunded or repaid under this Act shall be deposited in the consolidated fund. 1967, c. 84, s. 33.

Compensation not subject to garnishee, etc

39. (1) Subject to subsection (2), any compensation or other amount awarded as costs paid or payable under this Act shall not be subject to garnishment or attachment or seizure or any legal process and shall be unassignable. 1967, c. 84, s. 34.

(2) Where:

(a) the board awards compensation pursuant to this Act with respect to the injury or death of a person;
(b) a person who is responsible for the injury or death mentioned in clause (a) applies to the board for an award of compensation with respect to the same or a different offence; and
(c) the board makes an award of compensation to the person mentioned in clause (b):

the board shall deduct from the amount of compensation awarded to the person mentioned in clause (b) the amount of compensation mentioned in clause (a) that has not been otherwise recovered by the board.1967,c.84,s.34;1989-90,c.33,s.10.

Appropriation

40. Sums required for the purposes of this Act may be paid out of moneys appropriated by the Legislature for the purpose. 1967, c. 84, s. 35.

Costs

41. The board, with respect to any hearing, inquiry or other proceeding pursuant to this Act, may make any award as to costs that it considers appropriate in favour of an applicant who has been awarded compensation pursuant to this Act.1989-90,c.33,s.11.

SCHEDULE

Schedule of Criminal Code	Offence
65	▫ Taking part in a riot
76	▫ Hijacking an aircraft
77	▫ Endangering safety of aircraft
78	▫ Taking on board civilian aircraft offensive weapons or explosives
80	▫ Failure to take reasonable care with respect to explosives where death or bodily harm results
81	▫ Causing injury with intent by explosive substance
86	▫ Dangerous use of firearms
151	▫ Sexual interference
152	▫ Invitation to sexual touching
153	▫ Sexual exploitation
155	▫ Incest
170	▫ Parent or guardian procuring sexual activity
173	▫ Exposure
180	▫ Common nuisance causing harm
215	▫ Failure to provide necessaries for preservation of life
218	▫ Abandoning child
220	▫ Causing death by criminal negligence
221	▫ Causing bodily harm by criminal negligence
235	▫ Murder
236	▫ Manslaughter
239	▫ Attempted murder
244	▫ Causing bodily harm with intent
245	▫ Administering noxious substances
246	▫ Overcoming resistance to commission of an offence
247	▫ Setting traps likely to cause death or harm
248	▫ Interfering with transportation facilities
249(1)(b)	▫ Dangerous operation of a vessel or towed object
262	▫ Impeding an attempt to save life
266	▫ Assault
267	▫ Assault causing bodily harm
268	▫ Aggravated assault
269	▫ Unlawfully causing bodily harm
269.1	▫ Torture
270	▫ Assaulting a peace officer
271	▫ Sexual assault

272	▫ Sexual assault with a weapon, threats to a third party or causing bodily harm
273	▫ Aggravated sexual assault
279	▫ Kidnapping
279.1	▫ Hostage taking
280	▫ Abduction of a person under 16
281	▫ Abduction of a person under 14
343/344	▫ Robbery
423	▫ Intimidation by violence
430(2)	▫ Mischief causing actual danger to life
433	▫ Arson
436	▫ Causing fire resulting in loss of life
437	▫ False fire alarm